

BOARD OF MADISON COUNTY COMMISSIONERS
February 16, 2016, Meeting Minutes

On Tuesday, February 16, 2016, a meeting of the Board of Madison County Commissioners came to order at 9:50 a.m. in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana, with Commissioners David Schulz, Chairman, Jim Hart, and Ron Nye present. Jani Flinn, Relief Clerk, was present to take minutes.

Those people in attendance at the meeting were Charity Fechter, Darcel Cook, Chris Hunt, Dustin Tetrault, Dale Olson, Jim Yarbrough, Shelly Burke, Eli Thompson, Sheriff Roger Thompson, Justin Ekwall, and those attendees on the attached sign in sheet.

Approval of Minutes: Ron Nye moved to approve the February 8, 2016, meeting minutes as corrected. Jim Hart seconded the motion. Commissioners Schulz and Nye voted aye, and Commissioner Hart abstained, as he was absent to that meeting. The motion carried.

Claims: The Board approved claims.

Moore's Creek Culverts – Flood Plain Permit: Charity Fechter, Planning Director, met with the Board to present a Floodplain Development Permit for Moore's Creek. There are a total of eight culverts planned in the project – seven in Ennis and one in Madison County. After discussion, Jim Hart moved to approve Floodplain Development Permit No. Moore Creek 2015-01, to replace the under-sized Moore's Creek culvert where it crosses at MT 287, just north of Jefferson Street in Ennis, subject to the following conditions: 1) The floodplain permit will become valid when all other necessary permits required by Federal or State law are in place. These include Montana Fish, Wildlife and Park SPA 124 Permit; US Army Corps of Engineers 404 Permit; Montana Department of Environmental Quality 318 Authorization; Montana Department of Transportation encroachment Permit; 2) A Letter of Map Revision (LOMR) must be completed within 6 months of project completion; 3) A detailed review; and 4) Certification verifying that the activity was accomplished in accordance with the Madison County Floodplain Regulations and the design plans submitted with the application. The certification may be waived by the floodplain administrator if it can be clearly ascertained by a site inspection that the activity was accomplished in accordance with these regulations. Ron Nye seconded the motion. All voted aye and the motion carried.

Temporary Maintenance Employee: After discussion, Ron Nye moved to approve hiring Mike Losey as a short term Maintenance employee on an emergency basis for two to four months at a starting wage of \$15.51 per hour effective February 8, 2016. Jim Hart seconded the motion. All voted aye and the motion carried.

Proposed Resolution to Dissolve Pace Archive Trust: After discussion and review, Ron Nye moved to approve Resolution 7-2016, a Resolution Dissolving Dick Pace Trust, as read, with all assets hereby granted to the Thompson-Hickman Library in Virginia City, Montana, on the condition that all Trust assets be used for the direct benefit of the Dick Pace Archives. Jim Hart seconded the motion. All voted aye and the motion carried.

CDBG Pay Request and Change Order: Darcel Cook, Madison Valley Manor Administrator, presented the following:

- **CDBG Pay Request** for reimbursement on the remodel in progress at Madison Valley Manor. Commissioner Schulz reminded Darcel that the Commissioners would prefer to approve the request prior to Madison Valley Manor sending checks to the contractors, instead of after. After discussion, Jim Hart moved to approve Community Development Block Grant Program, MT-CDBG-14PF-03, Request for Funds Form, Draw Number 3 in the amount of \$101,582.00. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Change Order No. 1:** Darcel presented a change order covering 10 items changing the scope of work. After review, Jim Hart moved to approve Change Order Number 1, AIA Document G701-2007, for a total increase of \$54,133.49 to the original Contract amount of \$675,544, making the

total contract amount \$729,677.49, and adding 55 days to the original project schedule, as presented. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Miscellaneous:** Resident count is 20 as of today. Darcel will post a notice to sell miscellaneous particleboard dressers and night stands no longer needed at the Manor, and she stressed the importance of getting security cameras purchased and installed because of thefts that are occurring.

Computer Servers and Backup Tape Drives: Chris Hunt, IT Manager, met with the Board to discuss the following:

- **Computer Servers:** Chris requested approval to purchase three additional servers at the 60% off price from HP which will be used for Madison Valley Manor, Tobacco Root Mountains Care Center, and a backup for the Courthouse. After discussion, Ron Nye moved to approve purchasing three additional servers, as presented, for a total amount of \$11,343.85 to include the server, software, and 3 year warranty, as presented. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Backup Tape Drives:** Chris needs to purchase additional backup tapes/hard drives for the new servers in order to have thirty days worth of backup. After discussion, Jim Hart moved to approve the purchase of three new backup drives at a cost of \$316.60 each, totaling \$949.80. Ron Nye seconded the motion. All voted aye and the motion carried.

Cell Phone Policy/Stipends: The Board requested additional research and information on this topic to be presented at the next meeting on Monday, February 29, 2016.

Dustin Tetrault, DES Coordinator, met with the Board to discuss the following topics:

- **New DES Vehicle Ordering Procedure and Options:** Dustin presented an estimate for a new vehicle for Madison County DES, including emergency command console, radio, decals and mandatory lighting and accessories, for a total bid amount of \$34,550. Funding will be covered by a combination of the DES budget and the Sheriff's budget. After discussion, Ron Nye moved to authorize the purchase of a new vehicle for a total cost not to exceed \$35,000 with all EMS Requirements included. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Update on Sheridan School Warning Sign Order:** Dustin informed the Board that he has received notification that the sign has been shipped to the Sheridan School. He has received one additional remote software package so that both the School and EMS can remotely change the signage as needed. Jim Hart moved to approve the display sign purchased in cooperation with Sheridan Schools from HMEP Grant funds in the amount of \$13,000 to be reimbursed to the School for their total purchase of approximately \$19,993.00.
- **DES Update:** Dustin is hosting the Fire District chief meeting on February 24, 2016, to discuss assigned areas, possible areas for annexation, and regular meetings. Information has been sent to all towns to update their emergency evacuation procedures. Dustin will be planning an ICS 100 and 200 training class and will notify all County employees when the plans are in place. Sheriff Thompson and Lynda Holt are working with DES to obtain a Code Red Mass Notification System and are checking on a Grant which may be available from Homeland Security to cover the cost. Dustin asked about County road signs and a prior grant received by Chris Mumme. All three Commissioners felt that updated road signage had been acquired and was scheduled to be put in place.

Forest Service Update: Dale Olson, Forest Manager, and Jim Yarbrough, Forest Road Engineer, met with the Board to give them an update on roads. Items discussed included the possibility of FLAP money opportunities, Petosi Road, Varney Bridge, Cliff/Wade Lake Road, Blaine Springs Road, Revenue flats trail road, the DOT 2015 call for Projects which is due April 1, 2016, and Mill Creek. The Board asked Dale to check on the status of a RAC for South Boulder / Mill Creek. Dale asked for any updates to the Schedule A

road cooperation agreement, informed the Board that the trails budget will reduce by 30%; and roads lost approximately \$150,000. The Board agreed to help plow out the drifts up by the Vigilante cabin so people won't get stuck, and discussed the need for a policy on Forest Service/County Roads when people go up and get snowed in.

Draft Letter about Membership for Reach Air Medical: The Board reviewed a draft letter prepared by Reach Air to help inform consumers about the services being offered by Reach Air and the Madison County's contribution to that service. Changes were recommended and will be returned to Reach Air to finalize.

STIP Resolutions: Shelly Burke, Madison County Treasurer, met with the Board to discuss new requirements adopted by the Montana Board of Investments requiring local governments who participate in STIP to keep a Resolution on file for each fund held, and presented resolutions for six county STIP funds. After discussion, Jim Hart moved to approve Resolution No. 8-2016, a Resolution authorizing participation in the Board of Investments of the State of Montana Short Term Investment Pool (STIP) for RSID06, and authorizing the execution and delivery of documents related thereto as required to adhere to new requirements adopted by the Montana Board of Investments. Ron Nye seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve Resolution No. 9-2016, a Resolution authorizing participation in the Board of Investments of the State of Montana Short Term Investment Pool (STIP) for MDSRID, and authorizing the execution and delivery of documents related thereto as required to adhere to new requirements adopted by the Montana Board of Investments. Ron Nye seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve Resolution No. 10-2016, a Resolution authorizing participation in the Board of Investments of the State of Montana Short Term Investment Pool (STIP) for MADIS, and authorizing the execution and delivery of documents related thereto as required to adhere to new requirements adopted by the Montana Board of Investments. Ron Nye seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve Resolution No. 11-2016, a Resolution authorizing participation in the Board of Investments of the State of Montana Short Term Investment Pool (STIP) for BSKSID, and authorizing the execution and delivery of documents related thereto as required to adhere to new requirements adopted by the Montana Board of Investments. Ron Nye seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve Resolution No. 12-2016, a Resolution authorizing participation in the Board of Investments of the State of Montana Short Term Investment Pool (STIP) for MADS23, Harrison School, and authorizing the execution and delivery of documents related thereto as required to adhere to new requirements adopted by the Montana Board of Investments. Ron Nye seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve Resolution No. 13-2016, a Resolution authorizing participation in the Board of Investments of the State of Montana Short Term Investment Pool (STIP) for MADS05, Sheridan School, and authorizing the execution and delivery of documents related thereto as required to adhere to new requirements adopted by the Montana Board of Investments. Ron Nye seconded the motion. All voted aye and the motion carried.

District 1 County Roads Update: Eli Thompson, Madison County citizen, met with the Board to discuss a road issue he is concerned about outside of Virginia City. John Sinerius, Carma Sinerius, Bill Doggett, Rich Christman, and Kathy Stone, Madison County residents, Justin Ekwall, Assistant County Attorney, and Sheriff Roger Thompson were also present for this portion of the meeting. Sheriff Thompson presented maps dating from 1909, 1914, 1950, 1967, 1980, and a 2016 GIS aerial map to show trails and roads in question. He checked deeds and mining claims, county road information, and BLM maps to reach the conclusion that the portion of the road in question is not a county road and there is no legal easement of record. Other attendees feel that historical use is prevalent and they have a right of prescriptive use. Justin informed the group that it is very difficult to prove prescriptive use and that it would be necessary to prove that this is the only way to access BLM property. There is not enough legal information for either argument to support a case in Court. He suggested sitting down with the property owner, and other interested parties to discuss options for use of the road. Commissioner Schulz has been trying to deal with the landowner and Eli for several years now, and there has been no resolution. Eli will do some more research on a possible title insurance policy to see if it indicates any easement through the property. After much discussion, it was agreed that a Road Review Committee should be discussed to help resolve some of these ongoing road access issues. Access across private land to public land is the primary issue. This topic will be put on the Agenda at a later date.

With no further business, the meeting was adjourned at 4:55 p.m.

Next meeting: The next regular Commission meeting will be held on Monday, February 29, 2016, beginning at 9:30 a.m. in the Commissioners' Conference Room in Virginia City, Montana.

David Schulz, Chairman
Board of Madison County Commissioners

Date Approved: February 29, 2016

Minutes prepared by:

Jani Flinn, Relief Clerk

Attest: _____
Kathleen Mumme, Clerk and Recorder, Madison County